IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: JORGE L OBEN CARRERAS Debtor	CASE NO. 10-08588(BKT) CHAPTER 13
BANCO POPULAR DE PR Movant Vs. JORGE L OBEN CARRERAS JOSE R CARRION MORALES Respondents	INDEX: ___________

MOTION REQUESTING THAT STAY BE LIFTED

TO THE HONORABLE COURT:

NOW COMES Banco Popular de Puerto Rico, (BPPR), through counsel, and most respectfully **STATES** and **PRAYS**:

1. This Court has jurisdiction under 28 USC 1334 and 157(a) and the General Order of referral of Title 11 Proceedings to the United States Bankruptcy Court for the District of Puerto Rico dated July 19, 1984 (Torruella, C.J.).

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2. *Venue is vested in this Court as debtor filed for protection within this district, 28 U.S.C. 1409.*

3. *On December 19 1994, Debtor, Jorge L Oben Carreras signed a Mortgage Note to the order of RG Mortgage Corporation in the amount of $102,250.00 plus interest at the rate of 8.00% per annum plus 3 allowances of 10% of principal to secure interest in addition to those secured by law, costs and legal expenses in the event of a judicial claim, and any other costs incurred, note to mature on its Anniversary on January 1, 2025. See Proof of Claim for copy of mortgage and note.*

4. *Movant is the holder or servicer of the Mortgage Note.*

5. *The mentioned Mortgage Note is secured by the property described in the proof of claim #16 in the Spanish language. We incorporate proof of claim by reference.*

6. *As of the filing of the Bankruptcy petition, debtor was 2 payments of 806.00 in arrears with*

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respect to the mentioned note, total pre petition arrears $3,027.00.

7. *Debtor is now 2 post-petition payments in arrear as of filing of this index. Total arrears of $1,676.48. Enclosed as Exhibit "A" Statement of Account.*

8. *In summary, BPPR is not adequately protected.*

9. *Under the circumstances, debtor is creating unreasonable delay, which is prejudicial to this creditor, and in that regard this creditor is no adequately protected.*

10. *Enclosed as Exhibit "B" statement under the Servicemembers civil Relief Act of 2003.*

11. *In the event this motion is granted appearing party withdraws the above mentioned claim and will collect from the rem.*

12. *Mr. Jose R Carrion Morales, Trustee, is joint as an indispensable party.*

***WHEREFORE**, it is respectfully requested that this Motion BE GRANTED, and accordingly, that Stay Be Lifted, for the benefit of Movant awarding $150.00 in*

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costs and $250.00 in attorney fees, with such further relief as is deemed appropriate in the circumstances.

In San Juan, Puerto Rico, this 25 day of January, 2011.

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STATEMENT OF ACCOUNT

DEBTOR:	Jorge Oben Carreras	*BPPR NUM:*	071010011775098
BANKRUPTCY NUM:	10-08588BKT	*FILING DATE:*	09/16/10

SECURED LIEN ON REAL PROPERTY

Principal Balance as of		10/01/10					74,431.46
Accrued Interest from		09/01/10 to 01/31/11					2,481.05
Interest:	8.000%	Accrued num. of days:	150	Per Diem:	16.540324		
Monthly payment to escrow							
Hazard	$0.00	Taxes	$0.00	MIP	$0.00		
A&H	$0.00	Life	$0.00				
Total montly escrow			$0.00	Months in arrears	4	Escrow in arrears	0.00
						Accrued Late Charge:	819.48
Advances Under Loan Contract:							
Title Search	$35.00	Tax Certificate	$0.00	Inspection	$0.00		585.00
Other	$550.00						
Legal Fees:							75.00
Total amount owed as of		01/31/11					78,391.99

AMOUNT IN ARREARS

PRE-PETTITION AMOUNT:						
2	payments of	$806.00	each one			1,612.00
	acummulated lated charges					755.00
Advances Under Loan Contract:						
Title Search	$35.00	Tax Certificate	$0.00	Inspection	$0.00	585.00
Other	$550.00					
Legal Fees						75.00
					A = TOTAL PRE-PETITION AMOUNT	**3,027.00**
POST-PETTITION AMOUNT:						
2	payments of	$806.00	each one			1,612.00
	Late Charge					64.48
					B = TOTAL POST-PETITION AMOUNT	**1,676.48**
					A + B = TOTAL AMOUNT IN ARREARS	**4,703.48**

OTHER INFORMATION

Next pymt due	10/01/10	Interest rate	8.000%	P & I	$750.27	Monthly late charge	$32.24
Investor	BANCO POPULAR DE PUERTO RICO	Property address	D-5 El Alamo Dev. San Antonio Guaynabo PR 00965				

The subscribing representative of Banco Popular de Puerto Rico declares under penalty of perjury that according to the information gathered by Banco Popular de Puerto Rico the foregoing is true and correct.

BANCO POPULAR DE PUERTO RICO

01/19/11
DATE

SACCTFHA Gerardo Caceres

Department of Defense Manpower Data Center Jan-25-2011 07:37:21

Military Status Report
Pursuant to the Service Members Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
OBEN-CARRERAS	JORGE L	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL http://www.defenselink.mil/faq/pis/PC09SLDR.html. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:H3VPVU39MK